

## Message Text

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ACTION AF-18

INFO OCT-01 ISO-00 OCL-00 PM-07 SS-20 SP-03 CIAE-00 INR-10

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P 191227Z JUN 74

FM AMCONSUL ASMARA

TO SECSTATE WASHDC PRIORITY 2768

AMEMBASSY ADDIS ABABA PRIORITY

INFO CNO WASHDC PRIORITY

CONAVCOMMSTA ASMARA

LIMITED OFFICIAL USE ASMARA 500

E. O. 11652 : N/A

TAGS : PFOR, MARR, ET, US

SUBJ : KAGNEW PHASE-DOWN - LEGAL PROBLEMS

REF : ASMARA 495

1. PERRY AND WELCH MET THIS MORNING WITH BLATTA DEMISSIE WORKAGNHOU, PRESIDENT SUPREME COURT AND ATO ABEBE WORKE, VICE PRESIDENT, HIGH COURT OF ERITREA, TO DISCUSS LEGAL PROBLEMS INVOLVING KAGNEW STATION PERSONNEL.

2. RE SUMMONS AGAINST COMMANDER NOGGLE, COMMANDER NOGGLE DID NOT ANSWER SUMMONS AND ATO ABEBE AGREED TO HOLD CASE PENDING UNTIL CLARIFICATION OF JURISDICTION. CONGEN WILL WRITE LETTER TO HIGH COURT, COPY TO FOREIGN AFFAIRS, STATING THAT COURT DOES NOT HAVE JURISDICTION OVER COMMANDER NOGGLE IN THIS CASE ACCORDING TO ARTICLE 17, PARA 3, BECAUSE COMMANDER NOGGLE WAS PERFORMING HIS OFFICIAL DUTIES. COMMANDER NOGGLE WAS INCLUDED AS DEFENDENT IN HARVEY CASE BECAUSE HE AUTHORIZED MEDICAL EXAMINATION OF LAIMANT AS PART OF PROCESS IN PLACING CLAIM BEFORE FOREIGN CLAIMS COMMISSION.

3. THE LEGAL OFFICER OF KAGNEW STATION, WITH COOPERATION OF CONGEN, HAS SENT JOINT PATROL REPORT OF ACCIDENT INVOLVING LIMITED OFFICIAL USE

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ROBERT HARVEY TO LOCAL OFFICE OF MIN OF FOREIGN AFFAIRS.

CONGEN AGREES WITH HIGH COURT THAT IT HAS JURISDICTION OVER HARVEY CASE SINCE IT IS A CIVIL SUIT AND HARVEY WAS OFF DUTY AT TIME OF ACCIDENT. CONGEN WILL WRITE LETTER TO FOR AFFAIRS OFFICE REQUESTING THAT JOINT PATROL REPORT BE SUBMITTED TO HIGH COURT AS EVIDENCE IN THE HARVEY CASE. ATO ABEBE INDICATED IN CONVERSATION THAT HIGH COURT HAS RIGHT TO ACCEPT OR REJECT JOINT PATROL REPORT. I POINTED OUT THAT SENIOR MEMBER OF JOINT PATROL BELONGS TO ASMARA TRAFFIC POLICE.

4. THERE ARE SEVERAL OTHER CASES SUBMITTED TO THE COURT INVOLVING VARIOUS CLAIMS BY ETHIOPIAN NATIONALS AGAINST KAGNEW STATION PERSONNEL OR KAGNEW STATION INSTITUTIONS (CLUBS). THE HIGH COURT WILL FORWARD A LIST OF THESE CASES TO CONGEN. CONGEN, WITH ASSISTANCE OF KAGNEW LEGAL OFFICE, WILL SUBMIT ITS VIEW ON JURISDICTION OF HIGH COURT IN EACH OF THESE CASES.

5. I MENTIONED INFORMALLY TO ATO ABEBE THAT USG PRESENCE UNDER 1953 AGREEMENT WAS CONTINUING WITH NAVCOM UNIT AND CIVILIAN CONTRACTORS. IT WAS HIS IMPRESSION THAT KAGNEW STATION WAS CLOSING JUNE 30, 1974. IT IS IMPORTANT THAT ALL ELEMENTS OF IEG BE INFORMED OF CONTINUED EFFECT OF 1953 AGREEMENT.  
PERRY

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LITIGATION, COURTS, STATUS OF FORCES AGREEMENTS, MILITARY BASE CLOSINGS, KAGNEW STATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 19 JUN 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** WorrelSW  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Disposition Reason:**  
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**Reference:** ASMARA 495  
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**Status:** NATIVE  
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**TAGS:** PFOR, MARR, ET, US  
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